

HOPPING BOYD GREEN & SAMSON

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

FAX (904) 681-2964

KRISTIN M. CONROY
C. ALLEN CULP, JR.
CONNIE C. CURRENCE
JONATHAN S. FOX
JAMES C. GOODLETT
GARY X. HUNTER, JR.
DALANA W. JOHNSON
JONATHAN T. JOHNSON
ANGELA R. MORRISON
MARIBEL N. NICHOLSON
GARY V. PERKO
KAREN M. PETERSON
MICHAEL P. PETROVICH
DOUGLAS S. ROBERTS
R. SCOTT RUTH
JULIE ROME STEINMEYER

OF COUNSEL
W. ROBERT FOKES

CARLOS ALVAREZ
JAMES S. ALVES
BRIAN H. BIBEAU
KATHLEEN BLIZZARD
KATHLEEN C. BOWMAN
WILLIAM L. BOYD, IV
RICHARD S. BRIGHTMAN
PETER C. CUNNINGHAM
RALPH A. DEMEO
THOMAS M. DEROSE
WILLIAM H. GREEN
WADE L. HOPPING
FRANK E. MATTHEWS
RICHARD D. MELSON
DAVID L. POWELL
WILLIAM O. PRESTON
CAROLYN S. RAEPPEL
GARY P. SAMS
ROBERT P. SMITH
CHERYL G. STUART

April 18, 1994

Mr. Hamilton S. Oven
Siting Coordinator
Florida Department of Environmental
Protection
3900 Commonwealth Blvd., Suite 953
Tallahassee, FL 32399

Re: Wheelabrator North Broward Inc.;
North Broward County Resource Recovery Facility;
Request for Modification of Site Certification PA 86-22

Dear Mr. Oven:

Pursuant to Section 403.516(1)(b), Florida Statutes, I am submitting, on behalf of Wheelabrator North Broward Inc. (WNB), the enclosed Proposed Agreement to Modify the Site Certification for the North Broward County Resource Recovery Project. The cited provision of the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, (PPSA) authorizes the Department of Environmental Protection (DEP) to modify the site certification, including the conditions of certification, when no objection to the proposed modification is raised by a party or by any person whose substantial interests will be affected by the proposed modification.

The Siting Board's original certification order authorizing construction and operation of the North Broward Resource Recovery Project (Project) was issued on March 9, 1987. Several subsequent modifications have been issued for the Project. By this Proposed Agreement, WNB requests approval of a modification of the certification to authorize WNB to construct and operate a new ash reuse processing facility on the Project site, as described in the attached document. WNB is also proposing to incorporate into the certification the terms and conditions of a recently-issued Department air permit for a lime silo and the ash handling system at the Project site. These permitted facilities are directly related to the original Project. Incorporation of that permit into the certification will establish a single unified authorization for the project.

① NEW AIR SOURCE

② AIR

If the Dept. req'd a separate permit for the lime silo and ash handling system, why not require another separate permit for this new project?

but not part of i.e., not modifying existing facility.

Mr. Hamilton S. Oven
April 18, 1994
Page 2

WNB is also proposing an amended condition of certification for ash residue testing consistent with current Department solid waste rules.

③ SOLID
WASTE

This ash reuse process facility, its location and expected impacts are discussed in greater detail in the attached modification submittal. No other changes to the existing facilities at the Project site or other new facilities will be required as a result of this modification. The location of the new ash reuse process facility is adjacent to the existing units at the Project site on a previously developed area of the site. The ash reuse process facility will utilize existing facilities on the site to the extent necessary.

Wheelabrator North Broward Inc., is requesting a modification of the certification, including additional conditions of certification, that will authorize the construction and operation of this new ash reuse process facility. Those proposed conditions are attached to the Proposed Agreement for Modification of Certification. These additional conditions of certification will allow the construction of the ash reuse facility to proceed following the Department's issuance of this modification request.

WNB requests that the Department issue an order pursuant to section 403.516(1)(b), F.S., modifying the terms and conditions of the certification for the North Broward Resource Recovery Project. The modification order should contain the attached conditions and any additional necessary or revised conditions proposed by agency parties and accepted by WNB.

In accordance with DEP's rules, we have forwarded copies of this Proposed Agreement by hand delivery or U.S. mail to those parties in the original certification proceedings, as indicated in the Certificate of Service to the attached Agreement for Modification of Certification. Copies of this Request are also being provided to the persons and agencies identified below.

An application fee in the amount of \$10,000 payable to the Department is being submitted with this proposed agreement. If you or any of the parties have questions or comments on this request, please contact either Eric Selya of WNB in Pompano Beach at 305/971-8701 or me at 904/222-7500.

Sincerely,



Douglas S. Roberts

Attachments

Mr. Hamilton S. Oven

April 18, 1994

Page 3

cc: Richard T. Donelan, DEP
Cindy S. Price, Asst. Gen. Counsel, FDOT
James Antista, Gen. Counsel, FG&FWFC

Chapter 17-702 F.A.C.
Solid Waste Combustor Ash Management

- 17-702.100 Intent.
- 17-702.200 Definitions.
- 17-702.300 Applicability.
- 17-702.400 Ash Residue Management Plan.
- 17-702.500 Ash Residue Storage Requirements.
- 17-702.530 Off-site Transportation Requirements for Ash Residue.
- 17-702.570 Ash Residue Disposal Requirements.
- 17-702.600 Recycling of Ash Residue.
- 17-702.700 Alternative Procedures and Requirements.

17-702.100 Intent. The purpose of this chapter is to provide for the safe handling, storage, transportation, disposal, or beneficial use of ash residue from the combustion of solid waste. This chapter implements the requirements of Section 403.7045(5), F.S.

Specific Authority: 403.704, 403.7045, F.S.

Law Implemented: 403.7045, F.S.

History: New: 7-19-90.

17-702.200 Definitions. The following words, phrases or terms used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

- (1) "Ash residue" means all the solid residue and any entrained liquids resulting from the combustion of solid waste in a solid waste combustor, including bottom ash, fly ash and combined bottom and fly ash, but excluding recovered metals glass, and other recovered materials separated from the ash residue.
 - (a) "Bottom ash" means the solid material remaining after combustion of solid waste, which is discharged from the grates or stoker of a solid waste combustor.
 - (b) "Fly ash" means the residue from the combustion of solid waste, which is entrained in the gas stream of a solid waste combustor. Fly ash includes particulates, cinders, soot, and solid waste from air pollution control equipment.
- (2) "Biological waste" means solid waste that causes or has the capability of causing disease or infection and includes, but is not limited to, biohazardous waste, diseased or dead animals, and other wastes capable of transmitting pathogens to humans or animals.
- (3) "Co-disposal" means the disposal of two or more different types of waste in the same solid waste disposal unit.

17-702.100 - 17-702.200(3)

(4) "Combustion" means the treatment of solid waste in a device that uses heat as the primary means to change the chemical, physical, or biological character or composition of the waste. Combustion processes include incineration and pyrolysis.

(5) "Facility" means all contiguous land and structures, other appurtenances and improvements on the land used for solid waste management.

(6) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

(7) "Hazardous waste" has the meaning given it in Chapter 17-730, F.A.C.

(8) "Monofill" means a waste pile, landfill or solid waste disposal unit into which only one type of solid waste is placed.

(9) "On-site" means the same or geographically contiguous property. It may be divided by public or private right-of-way.

(10) "Solid waste" means garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(11) "Solid waste combustor" means an enclosed device that uses controlled combustion to thermally break down solid, liquid, or gaseous combustible solid wastes to an ash residue that contains little or no combustible material.

(12) "Solid waste disposal unit" means a discrete area of land used for the disposal of solid wastes.

Specific Authority: 403.704, 403.7045, F.S.

Law Implemented: 403.7045, F.S.

History: New: 7-19-90.

17-702.300 Applicability.

(1) This rule applies to the management of ash residue generated by solid waste combustors with a total facility burning capacity of 50 tons per day or more and that primarily receive and burn solid waste collected from residential, commercial and industrial sources. The solid waste shall not contain hazardous waste, but may contain biological waste.

(2) All other ash residue not specifically addressed in (1) above shall be disposed of in a permitted, lined landfill that meets the requirements of Chapter 17-701, F.A.C., or shall be recycled in accordance with Rule 17-702.600, F.A.C.

(3) All new solid waste combustors constructed after August 1, 1990, shall comply with the requirements of this rule. Existing combustors or facilities that have submitted a complete application or have a permit or certification on August 1, 1990 shall comply with the requirements of this rule by August 1, 1991.

17-702.200(4) - 17-702.300(3)

(4) Air curtain incinerators, trench burners or boilers which are restricted to burning only vegetative, agricultural, or silvicultural wastes or bagasse, or clean dry wood as defined in Rule 17-256.200(5), F.A.C., are excluded from the requirements of this rule.

Specific Authority: 403.704, 403.7045, F.S.

Law Implemented: 403.7045, F.S.

History: New: 7-19-90.

17-702.400 Ash Residue Management Plan.

(1) Applications for a permit to construct and operate solid waste combustors shall include an ash residue management plan. Existing, permitted or certified solid waste combustors shall submit an ash residue management plan to the Department by July 1, 1991. After Department review and approval, such plan shall be incorporated into the facility's existing permit, or into its certification pursuant to Section 403.511(5)(a), F.S.

(2) The plan shall describe the methods, equipment, and structures necessary to control the dispersion of ash residue during handling, processing, storage, loading, transportation, unloading and disposal, and shall consider potential pathways of human or environmental exposure, such as through inhalation, direct contact, ingestion, and the potential for soil, air, ground water and surface water contamination.

(3) The plan shall identify disposal sites which are intended to receive ash residue from the solid waste combustor for the life of the facility, beginning with the date the plan is submitted to the Department for approval.

(4) The plan shall include an estimate of the quantities of bottom and fly ash to be generated by the facility on an annual and a daily basis. The estimate shall identify and quantify those components of ash residue that can be segregated for recycling before disposal, and shall address the beneficial use of ash residue.

(5) The plan shall include a Quality Assurance/Quality Control plan which shall be developed, submitted to, and approved by the Department before the start of any sampling, analysis or characterization required by this rule.

(6) The plan shall include contractual requirements, notification and inspection procedures to assure that hazardous wastes are not received at or burned in the facility.

(7) The plan shall be updated as necessary to reflect changed conditions, but shall be reviewed and updated at least every five years.

Specific Authority: 403.704, 403.7045, F.S.

Law Implemented: 403.7045, F.S.

History: New: 7-19-90.

17-702.300(4) - 17-702.400(7)

17-702.500 Ash Residue Storage Requirements.

(1) The facility must have enough on-site capacity to ensure that ash residue is properly managed. Proper storage includes:

(a) Storage in leak-resistant containers located inside a building or structure; or

(b) Storage outside in leak-resistant containers which are covered to prevent rainwater infiltration and visible emissions. When containers are used, free liquid shall be collected and controlled during the storage or loading process; or

(c) Storage on-site in a waste pile which is located inside or under a structure that provides protection from precipitation and water that runs onto the property. Fugitive dust emissions shall be controlled. The pile shall be placed on a concrete pad or other low permeability base. A leachate management system shall be provided to collect and treat or otherwise control any leachate that may drain from the ash residue. Leachate may be returned to the quench water for reuse. Leachate collection and holding facilities shall be provided, maintained and be of sufficient size to prevent overflow.

(2) Ash residue shall not be stored for more than 90 days without prior written approval by the Department.

Specific Authority: 403.704, 403.7045, F.S.

Law Implemented: 403.7045, F.S.

History: New: 7-19-90.

17-702.530 Off-site Transportation Requirements for Ash Residue. Ash residue shall be drained of free liquid before being transported off-site. Containers or trucks used for transporting ash shall be designed to prevent leakage. The transport vehicle shall be enclosed or covered to prevent the escape of visible fugitive emissions.

Specific Authority: 403.704, 403.7045, F.S.

Law Implemented: 403.7045, F.S.

History: New: 7-19-90.

17-702.570 Ash Residue Disposal Requirements.

(1) Disposal of ash residue shall be in a landfill with a leachate collection and removal system and liner system which comply with the requirements of Rule 17-701.050, F.A.C. The applicability section of Rule 17-701.050(1), F.A.C., specifically applies to all existing ash disposal facilities.

(2) Ash residue shall be analyzed every three months by the operator of a solid waste combustor for priority pollutant metals. Representative composite samples shall be prepared for analysis by total digestion, using EPA Method 3050 Acid Digestion of Sediments, Sludges, and Soils, "Test Methods for Evaluating Solid Waste Physical/Chemical Methods," EPA Publication SW-846 (3rd edition as amended by Update I (December, 1987)). Samples shall be collected and analyzed by the methods listed in the Quality Assurance/Quality Control plan approved by the Department.

17-702.500 - 17-702.570(2)

(3) Leachate shall be analyzed every three months for priority pollutant metals.

(4) The results of the ash and leachate analyses shall be submitted annually to the Department in a report which presents and summarizes the data. If the ash analyses indicate significantly elevated levels of metals concentrations compared to metals concentrations in ash at other facilities in the State, the facility, following notification by the Department, shall carry out an investigation to determine the source(s) of these metals in the waste stream. The facility shall submit the results of the investigation to the Department, along with a plan to reduce or eliminate the sources of the metals. If the metals concentrations in the leachate exceed the regulatory levels in 40 CFR 261.24, the facility shall report to the Department the steps it intends to take to reduce the metals concentration in the leachate. Leachate containing metals above the regulatory levels shall be treated on-site to reduce its metals content.

(5) Disposal facilities shall control fugitive dust emissions.

(6) Ash residue used for daily cover shall be sufficiently free of organics and other materials so as not to attract rodents, flies or other vermin. Ash residue shall not be used for cover material on outside slopes or roadways unless provisions are taken to prevent migration of the ash residue.

(7) Co-disposal facilities shall be operated to prevent the formation of impermeable layers in the landfill that interfere with the operation of the facility's stormwater and leachate management systems.

(8) Co-disposal landfills shall comply with the requirements of Chapter 17-701, F.A.C. Monofills for disposal of ash residue shall comply with the following requirements:

Monofill

17-701.040 Prohibitions:	All
17-701.050 Sanitary Landfill Criteria:	
Applicability:	(1)
Location Requirements:	(3)(a) and (b), (c)(2), and 4
Landfill design:	(4)(a), (b), (c), (d)(2) and 3 and (e)
Landfill Performance and Design Standards:	(5)(a), (b), (c), (d), (e), (f), (g) and (h)
Operations:	(6), (a), (b)(1), 2., 3., 4., 5., 6., 8., and 9., (c)(1), 2. and 5., (g), (h), (k), (l) and (o)
17-701.070 Closure of Landfills:	(1)(e) and (2)
17-701.071 Closure Schedule:	(1)
17-701.072 Closure Permit Application Submittal:	All
17-701.073 Closure Plan Requirements:	(1), (2), (3), (5)(a), (b), (d) and (e), (6)(a), (b), (c), (d), (e), (g) and (h), (7) and (8)
17-701.074 Closure Procedures:	(1), (2), (3), (4), (5) and (6)
17-701.075 Long Term Care:	All
17-701.076 Financial Responsibility:	All
Specific Authority:	403.704, 403.7045, F.S.
Law Implemented:	403.7045, F.S.
History:	New: 7-19-90.

➔ 17-702.600 Recycling of Ash Residue. Processed ash residue which is recycled shall comply with the following:

GENERATOR

Dub
C
ogun

➔ (1) The generator shall, at least monthly, describe the chemical and physical properties of the ash residue which is to be recycled. The generator may request an alternate description schedule based upon the particular recycling process involved, the use of the recycled product, and the volume of ash residue recycled. The Department shall allow such an alternate description schedule if it determines that such schedule provides a substantially equivalent degree of protection for public health and the environment.

PROCESSOR

Time

➔ (2) Prior to beginning operations, the processor of the ash residue shall demonstrate to the Department that the process and use of the ash residue will not cause discharges of pollutants to the environment. The processor shall:

17-702.570(8) - 17-702.600(2)

(a) Describe the chemical and physical properties of the finished product line, identify the quantity of ash residue used in a product, and identify quantity and quality of the product to be marketed or used;

(b) Demonstrate that the proposed process will physically or chemically change the ash residue so that any leachates produced after processing will not cause a violation of surface or ground water quality standards contained in Chapters 17-3 and 17-550, F.A.C.;

(c) Demonstrate that processed ash residue or products using ash residue will not endanger human health or the environment. Exposure risks to be considered include, but are not limited to, inhalation, ingestion, skin contact, and migration to soil, surface and ground water; and

(d) Establish performance standards and operational criteria for the process that are designed to demonstrate reliable operation in compliance with Rules 17-702.600(2)(a) through (c), F.A.C.

(3) The processor shall notify the Department of any changes in the process or ash residue which could affect the demonstrations made in (2) above.

Specific Authority: 403.704, 403.7045, F.S.

Law Implemented: 403.7045, F.S.

History: New: 7-19-90.

17-702.700 Alternative Procedures and Requirements.

(1) Any person subject to the provisions of Rules 17-702.300 through 17-702.600, F.A.C., may request in writing a determination by the Department that a procedure or requirement shall not apply, and shall request approval of alternate procedures or requirements:

(2) The request shall set forth the following information:

(a) The specific facility or site for which an exception is sought;

(b) The specific procedures or requirements of Rules 17-702.300 through 17-702.600, F.A.C., from which an exception is sought;

(c) The basis for the exception;

(d) The alternate procedure or requirement for which approval is sought and a demonstration that this alternate procedure or requirement provides an equal degree of protection for the public health and the environment; and

(e) A demonstration of the effectiveness of the proposed alternative procedure or requirement.

(3) The Secretary shall authorize by order each alternative procedure or requirement approved for an individual facility or site in accordance with this section or shall deny by order the request for such approval.

Specific Authority: 403.704, 403.7045, F.S.

Law Implemented: 403.7045, F.S.

History: New: 7-19-90.